

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CF 135 FLAT LLC, CF 135 WEST  
MEMBERS LLC, and THE CHETRIT GROUP,  
LLC,

Interpleader Plaintiffs,

-against-

TRIADOU SPV S.A., CITY OF ALMATY, a  
foreign city, and BTA BANK JSC,

Interpleader Defendants.

No. 15-cv-05345 (AJN) (SN)

CITY OF ALMATY, KAZAKHSTAN and  
BTA BANK JSC,

Crossclaim Plaintiffs,

-against-

MUKHTAR ABLYAZOV, VIKTOR  
KHRAPUNOV, ILYAS KHRAPUNOV, and  
TRIADOU SPV S.A.,

Crossclaim Defendants.

**DECLARATION OF JONATHAN D. COGAN**

Pursuant to 28 U.S.C. § 1746, I, Jonathan D. Cogan, declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of New York and before the United States District Court for the Southern District of New York. I am a partner at the law firm Kobre & Kim LLP, counsel for Crossclaim Defendant Mukhtar Ablyazov.

2. I submit this Declaration in support of Mr. Ablyazov's motion to dismiss the Crossclaims.

3. It is my understanding that various proceedings have taken place in Switzerland between parties associated with Mr. Ablyazov and BTA, for example:

- a. An action to enforce the UK Freezing Order against Mr. Ablyazov and a related entity was filed in the Civil Court of Basel City in Switzerland. Attached as Exhibit 1 is a true and correct copy of the February 12, 2013 judgment in that matter.
- b. There were a number of proceedings involving BTA and entities associated with Mr. Ablyazov filed in the Civil Court of the Sarine District in Fribourg, Switzerland, including proceedings with case numbers 10 2012/845 and 10 2012/762 between BTA and an entity called Beau HLB (Geneve) SA, and dissolution proceedings involving an entity called TANIL SARL. Attached as Exhibit 2 is a true and correct copy of a Deed of Settlement dated December 27, 2013, along with accompanying documents, settling the claims in the Swiss proceedings (among other things). It is my understanding that, pursuant to this settlement, BTA received payment of USD \$10 million.

4. Since Mr. Ablyazov's arrest in France in July 2013, Russian and Ukrainian authorities have sought his extradition from France. Mr. Ablyazov has opposed these efforts. As part of his opposition to extradition, it is my understanding that a substantial number of documents have been translated from Russian into French.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York, on this 17th day of August, 2016.

/s/ Jonathan D. Cogan  
Jonathan D. Cogan